

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED
APR 11 2007
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*[Signature]*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

MARSHALL SHELTON, JR., Plaintiff, v. ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY, <u>et al.</u> , Defendants.	)	Civil Action No. 7:06-cv-00528
	)	<b><u>FINAL ORDER ADOPTING</u></b>
	)	<b><u>REPORT AND RECOMMENDATION</u></b>
	)	
	)	By: Samuel G. Wilson
	)	United States District Judge

Marshall Shelton, Jr., brings this suit pursuant to 42 U.S.C. § 1983, claiming that while incarcerated at the Albemarle Charlottesville Regional Jail, the defendants failed to place him in proper protective custody and refused to give him access to medical care.<sup>1</sup> Defendants moved to dismiss and the court referred the matter to United States Magistrate Judge Michael F. Urbanski for a report and recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge subsequently filed a report, finding that plaintiff failed to properly exhaust his claims and that his allegations fail to state an issue of constitutional magnitude. The Magistrate Judge recommends that the court grant the defendants' motion to dismiss. Neither party has filed objections. Having reviewed the Magistrate Judge's Report and Recommendation and pertinent portions of the record, the court agrees with the Magistrate Judge's recommendation.

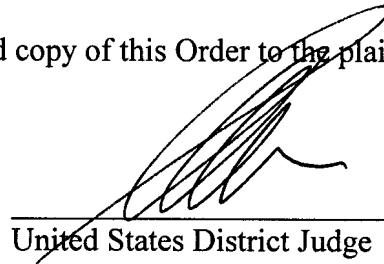
Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation is **ADOPTED** in its entirety, defendants' motion to dismiss is **GRANTED**; Shelton's suit is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and this matter is **STRICKEN** from the active docket of the court.

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<sup>1</sup> By Orders entered November 17, 2006 and March 15, 2006, Shelton's claims against the Albemarle Charlottesville Regional Jail Authority, Albemarle Charlottesville Regional Jail Board, Officer Jones, and Officer Crowe were dismissed.

The Clerk of the Court is directed to send a certified copy of this Order to the plaintiff.

ENTER: This 11<sup>th</sup> day of April, 2007.

  
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United States District Judge